

Message Text

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ORIGIN ARA-14

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DRAFTED BY OASD/ISA/FMRA:JREINERTSON

APPROVED BY ARA/CAR:FTUMMINIA

ARA/CAR:RJSURBER

ARA/CAR:DEHENDERSON

PM/ISO:CCORDER

L/PM:SORLINS

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FM SECSTATE WASHDC

TO AMEMBASSY NASSAU

INFO SECDEF

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E.O. 11652:GDS

TAGS: MARR, BF, US

SUBJECT: CUSTOMS SITUATION AT ELEUTHERA

REF: NASSAU 974

1. REFTEL PROVIDED CONTENTS OF MEMORANDUM FROM GCOB CUSTOMS OFFICER, ELEUTHERA, TO C.O. NAVFAC ELEUTHERA WHICH CONCERNED SUGGESTED PROCEDURES FOR CONTROL OF "DUTY FREE CONCESSION." REFTEL ALSO SUGGESTED THAT RESPONSE TO THAT MEMORANDUM SHOULD BE FROM EMBASSY TO MINEXTAFF VICE FROM C.O. NAVFAC TO LOCAL CUSTOMS OFFICE.

2. DEPARTMENT AND DOD FAVOR AN APPROACH WHICH WOULD ISOLATE AND RESOLVE THIS MATTER AT LOCAL LEVEL, I.E., CONAVFAC TO LOCAL CUSTOMS OFFICE, SO AS NOT TO PROVOKE

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AN OVERALL REVIEW BY GCOB OF CUSTOMS PROCEDURES AT THIS TIME. THIS BROAD REVIEW AND THE DEPT/DOD OVERALL REVIEW RECOMMENDED IN PARA 6 OF REFTEL WOULD BE MORE APPROPRIATELY CONSIDERED AT THE TIME NEGOTIATIONS RECONVENE. IT IS HOPED THAT ISSUES RAISED BY REFTEL CAN BE RESTRICTED TO NAVFAC ELEUTHERA.

3. THE FOLLOWING IS SUGGESTED AS TEXT FOR C.O. NAVFAC
RESPONSE: (SUITABLE SALUTATION) QUOTE THIS IS IN

REFERENCE TO YOUR MEMORANDUM CONCERNING SUGGESTED
IMPLEMENTATION OF CUSTOMS PROCEDURES AT GOVERNOR'S
HARBOR AND AT THE U.S. NAVAL FACILITY. AFTER CAREFUL
CONSIDERATION, I AM ABLE TO ADVISE OF THE FOLLOWING
MEASURES WHICH I MAY UNDERTAKE TO FACILITATE YOUR
CUSTOMS PROCEDURES:

A. OFFICE SPACE WILL BE PROVIDED YOU IN THE AIRPORT
BUILDING IN GOVERNOR'S HARBOR FOR THE PROCESSING OF
INCOMING PASSENGERS' BAGGAGE AND OFFICIAL DOCUMENTS.

B. YOU WILL BE PROVIDED WITH THE ESTIMATED ARRIVAL
TIMES OF AIRCRAFT ARRIVING FROM FOREIGN PORTS. IT IS NOTED
HERE THAT ON ITS SOUTHERN RUN THE RANGE LINER WILL HAVE
LANDED IN A BAHAMIAN PORT PRIOR TO ITS ARRIVAL AT
ELEUTHERA.

C. YOU WILL BE PROVIDED WITH A LIST OF U.S. PERSONNEL
ARRIVING AT ELEUTHERA FOR DUTY AT THE U.S. NAVAL FACILITY.
ADDITIONALLY, IN CASES OF THOSE ARRIVING U.S. PERSONNEL
WHO WILL RESIDE OFF OF THE FACILITY, YOU WILL BE PROVIDED
WITH A LIST OF SIGNIFICANT ITEMS WHICH ARE IMPORTED
DUTY-FREE. WE WILL MAINTAIN SUCH A LIST FOR THOSE
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ARRIVING PERSONNEL RESIDING ON THE FACILITY AND WILL MAKE
THE LIST AVAILABLE TO YOU FOR INSPECTION. FOR THESE
PURPOSES SIGNIFICANT ITEMS ARE CONSIDERED TO BE THOSE
WHICH DISPLAY SERIAL NUMBERS AND WHOSE PURCHASE VALUE IS
IN EXCESS OF ONE HUNDRED UNITED STATES DOLLARS. (THIS
EXPANDED FIGURE DUE TO INFLATION OF PRICES SINCE 1963
AGREEMENT DATE.) THESE LIMITS ARE INTENDED TO AFFORD
YOU INFORMATION WHICH WILL BE USEFUL IN YOUR CUSTOMS PRO-
CEDURES, BUT WHICH WILL ALSO BE REASONABLY MANAGEABLE.

D. I CANNOT CONCUR WITH YOUR PLANS FOR CUSTOMS OFFICERS
TO MAKE PERIODIC SPOT CHECKS OF U.S. PERSONNEL FOR GOODS
ON THE ABOVE-MENTIONED LISTS. THERE ARE NO PROVISIONS FOR
SUCH SPOT CHECKS IN THE APPLICABLE U.S.-BAHAMIAN AGREE-
MENTS. FURTHER, SUCH A PROCEDURE WOULD CONSTITUTE AN
UNNECESSARY AND UNWARRANTED INVASION OF PERSONAL PRIVACY.
IF YOU HAVE REASON TO BELIEVE THAT ANY U.S. PERSONNEL ARE
INVOLVED IN CUSTOMS VIOLATIONS, I WOULD REQUEST THAT YOU
BRING SUCH INFORMATION TO MY ATTENTION SO THAT WE MAY
MUTUALLY AGREE ON THE PROPER MEANS OF RESOLVING THE
PROBLEM.

E. I TRUST THAT THE ABOVE ARRANGEMENTS WILL BE TO YOUR SATISFACTION AND LOOK FORWARD TO CONTINUED COOPERATION. UNQUOTE. (SUITABLE CLOSE).

4. FYI: IT IS FELT THAT PROCEDURES SET FORTH IN THE PROPOSED RESPONSE ARE IN SUBSTANTIAL COMPLIANCE WITH THE REQUIREMENTS OF AGREED MINUTE NO. ONE TO THE 1963 AUTEC AGREEMENT AND WILL PROVIDE THE MEANS FOR SATISFACTORY CONTROL OF DUTY FREE GOODS AT U.S. NAVFAC ELEUTHERA. ADDITIONALLY, IT IS FELT THAT IN VIEW OF THE LONG TERM TOTAL INACTIVITY OF GCOB CUSTOMS AT ELEUTHERA THE APPLICATION OF SUCH PROCEDURES SHOULD BE PUT INTO PERSPECTIVE. IF NECESSARY, IT SHOULD BE ARGUED THAT DUE TO THE COMPLETE INACTIVITY IN CUSTOMS MATTERS BY THE

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GCOB AT ELEUTHERA IN THE PAST, THE USG CONSIDERS THE REQUIREMENTS OF AGREED MINUTE NO. ONE TO HAVE BEEN PLACED IN ABEYANCE BY PRACTICE, AND THAT THE GCOB IS NOW BARRED FROM REQUIRING RETROACTIVE COMPLIANCE. RETROACTIVE APPLICATION, SUCH AS PROVIDING LISTS OF GOODS BELONGING TO THOSE ALREADY AT NAVFAC ELEUTHERA, COULD JEOPARDIZE THOSE INDIVIDUALS WHO MAY HAVE ACTED UPON THE ASSUMPTION THAT GCOB CUSTOMS REQUIREMENTS HAD LAPSED DUE TO DISUSE. ALSO, THE ONLY WAY TO EFFECTIVELY ENSURE THAT GOODS LISTED ARE IN FACT DUTY-FREE IS WHEN THEY ENTER THE GCOB CUSTOMS TERRITORY. CHRISTOPHER

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TAGS: MARR, ETRD, BF, US
To: NASSAU
Type: TE
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